Remarks

Favorable reconsideration of this application, in view of the following remarks and discussion, is respectfully requested.

Claims 1-3 are currently pending in the application.

Applicants express thanks for the Examiner's indication that Claim 3 recites allowable subject matter, such that the claims although having been objected to would be allowable if rewritten in independent form.

In the outstanding Office Action Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,504,845 to Peterson et al. (Peterson). Applicants respectfully request that the rejection of the claims be withdrawn for the following reasons.

Initially, Applicants respectfully request the Examiner's withdrawal of the final rejection, as Applicants respectfully assert that the rejection has been made final prematurely. Specifically, Applicants respectfully assert that contrary to the Office Action's assertions that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action," independent Claim 1 as amended in the Amendment filed on May 13, 2004, does not recite features that were not recited in original independent Claim 1. By way of specific non-limiting examples, Applicants respectfully assert that the features recited in amended independent Claim 1 of "emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration . . . and repeating the emptying after the expiration of the time period regardless of a state of the queues" are analogous to the features recited in original independent Claim 1 of "the said queues being emptied by time slices with a predetermined duration in the following manner: at the commencement of each slice, the first non-empty queue, in increasing order of the said

time intervals allocated to the said queues, is emptied, then the second non-empty one is

emptied, then the third non-empty one, etc, and at the expiry of the said time slice, the cycle

recommences, whatever the state of the said queues."

Regarding the rejection of the claims, the present invention is directed to a method of

transmitting data over a physical link between a base station and a controller of a

telecommunications system. Independent Claim 1 recites providing different types of data to

corresponding different queues, emptying non-empty queues in an order from the queue

having the data with a shortest transmission time interval to a queue having the data with a

longest transmission time interval during a time period having a predetermined duration, and

repeating the emptying after the expiration of the time period regardless of a state of the

queues.

Peterson is directed to centralized queuing for an ATM node. Applicants respectfully

assert, however, that contrary to the Office Action's assertions, Peterson does not teach the

claimed features of emptying non-empty queues in an order from the queue having the data

with a shortest transmission time interval to a queue having the data with a longest

transmission time interval, as recited in independent Claim 1.

Specifically, Applicants respectfully assert that Peterson does not show or state,

including in the portions referenced by the Office Action, emptying non-empty queues in an

order from the queue having the data with a shortest transmission time interval. Rather,

Applicants respectfully assert that contrary to the Office Action's assertions, while Peterson

may at most teach that cells of different quality class are transmitted based on quality of

service needed by the data, and may at most teach that a maximum permissible delay may

vary from one queue to another, such that some connections may be less sensitive than other

connections (for example, data connections and voice connections), Peterson does not show

or state that the quality of service corresponds to a transmission time interval, and does not

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show or state that the maximum permissible delay (i.e., an interval <u>between</u> connections) corresponds to a transmission time interval (i.e., an interval of time <u>during which</u> data is transmitted), for example.

In particular, independent Claim 1 recites "emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration." Thus, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 102(e) be withdrawn, and the allowance of independent Claim 1.

Applicants respectfully assert that Claims 2 and 3 are allowable for the same reasons as independent Claim 1, from which they depend, as well as for their own features. Therefore, Applicants respectfully request that the rejection of and objection to dependent Claims 2 and 3 be withdrawn, and the allowance of dependent Claims 2 and 3.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.
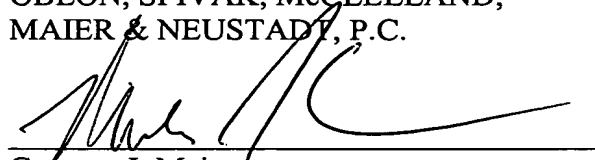
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Respectfully submitted,

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